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5 Attorney for Defendant  
6 **DANIEL SANTIAGO**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

18 The United States of America, by its attorneys, Melinda Haag, United States  
19 Attorney for the Northern District of California, and Special Assistant United States  
20 Attorney (“AUSA”) Marc Price Wolf, and defendant DANIEL SANTIAGO, by his attorney,  
21 Peter Goodman, hereby submit this Stipulation and [Proposed] Order requesting that  
22 the briefing schedule relative to the defense *Daubert* motion that was set on September  
23 20, 2013, be modified to extend the filing dates and the hearing by two weeks. The  
24 current schedule provides that the defense will file its opening brief on October 18, 2013;  
25 the government will file its opposition on November 16, 2013; the defense will file its reply  
26 on November 22, 2013; a hearing on the motion is scheduled on December 3, 2013,  
27 at 2:00 p.m. Defense counsel has learned by Bicka Barlow, who has been designated  
28 as associate counsel in this matter and will be arguing the *Daubert* motion, will be out of

1 the country on December 3, 2013. The defense has also determined that the DNA  
2 testing performed by the Serological Research Institute (“SERI”), the admissibility of  
3 which is the subject of the *Daubert* motion, involved “validation studies” and other  
4 documentation which the defense needs to prepare the motion. The defense has  
5 requested those materials and anticipates that they will be made available by SERI  
6 in the next two weeks. The defense will be providing copies of those materials to  
7 the government upon their receipt from SERI.

8        Given the unavailability of Ms. Barlow on the day the motion is scheduled to  
9 be heard and the defense need for additional discovery materials related to the DNA  
10 testing performed by SERI, the parties are requesting that the present briefing schedule  
11 be modified to provide that the defense will file its *Daubert* motion on October 28, 2013;  
12 the government will file its opposition on November 25, 2013; the defense will file its reply  
13 on December 6, 2013; and the hearing on the motion will be held on December 17, 2013,  
14 at 2:00 p.m.

15 The defendant is out of custody on location monitoring. Given his release from  
16 custody, the defendant is agreeable to a further exclusion of time pursuant to 18 U.S.C.  
17 §§3161(h)(7)(A) and (h)(7)(B)(iv) of the Speedy Trial Act from the date of this Stipulation  
18 until the date all pretrial motions in his case are decided.

19 || SO STIPULATED

20 || DATED: October 17, 2013

MELINDA HAAG  
United States Attorney

By: \_\_\_\_\_ /s/  
MARC WOLF  
Assistant United States Attorney

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1 SO STIPULATED

2 DATED: October 17, 2013

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5 /s/

6 PETER GOODMAN

7 Attorney for Defendant

8 DANIEL SANTIAGO

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10 ORDER MODIFYING BRIEFING SCHEDULE ON DAUBERT

11 MOTION AND EXCLUDING TIME PURSUANT TO 18 U.S.C.

12 §§3161(h)(7)(A) and (h)(7)(B)(iv) OF THE SPEEDY TRIAL ACT

13 Based on the stipulation of the parties and good cause appearing, IT IS HEREBY

14 ORDERED that the briefing schedule on the defense *Daubert* motion and the hearing

15 date on said motion previously set on September 20, 2013, be modified to provide that:

16 1) the defense will file its opening brief on October 28, 2013; 2) the government will file

17 its opposition on November 25, 2013; 3) the defense will file its reply on December 6,

18 2013; and 4) the hearing on the motion will be held on December 17, 2013, at 2:00 p.m.

19 Based on the stipulation of the parties and good cause appearing, the Court

20 finds that time should properly be excluded pursuant to 18 U.S.C. §§3161(h)(7)(A) and

21 (B)(iv) of the Speedy Trial Act from the date of this Order until all pretrial motions in this

22 case are decided in the interests of justice and to ensure effective assistance of counsel.

23 DATED: 10/18/13

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